

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

EZEKIEL J. COX,)
Plaintiff,)
v.)
DR. NWAOKOHA, *et al.*,)
Defendants.)
Civil Action No. 3:22-cv-708-HEH

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. By Memorandum Order entered on June 30, 2023, the Court directed Plaintiff to file a particularized complaint. (ECF No. 19.) The Court indicated that it would “only consider one complaint and Plaintiff may not tack on additional facts, allegations, or claims later.” (*Id.* at 2.) The Court further explained that “[t]he particularized pleading will supplant the prior complaints. The particularized pleading must stand or fall of its own accord.” (*Id.*)

After providing an extension, the Court received Plaintiff's Particularized Complaint on August 18, 2023. (ECF No. 26.) Although this submission was titled "PARTICULARIZED COMPLAINT," it was not truly a complaint and was only one (1) page. The submission provided a list of defendants, indicated that they must respond, and then stated that Plaintiff seeks damages. (*Id.* at 1.) The submission failed to state facts or claims upon which relief may be granted, nor did it indicate why or how each

Defendant was liable. Notably, Plaintiff also did not identify the particular constitutional right that was violated by Defendants' conduct and he failed to provide each Defendant with fair notice of the facts and legal basis upon which his or her liability rests. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Accordingly, by Memorandum Order entered on August 31, 2023, the Court directed Plaintiff to file a second particularized complaint and again provided Plaintiff with specific instructions. (ECF No. 30.)

Plaintiff failed to file a second particularized complaint but, instead, filed his fifth motion to appoint counsel on September 22, 2023. (ECF No. 32.) By Memorandum Order entered on September 27, 2023, the Court denied the motion to appoint counsel and instructed Plaintiff that, if he failed to file his second particularized complaint within eleven (11) days of the date the order was entered, this action would be dismissed without prejudice. (ECF No. 33.)

More than eleven (11) days have elapsed since the entry of the September 27, 2023 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond. Accordingly, the action will be dismissed without prejudice.

An appropriate Final Order will accompany this Memorandum Opinion.



/s/
Henry E. Hudson
Senior United States District Judge

Date: Oct 25, 2023
Richmond, Virginia